

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
July 11, 2023 6:30 PM  
17425 RED ARROW HIGHWAY,  
NEW BUFFALO, MI 49117  
Minutes**

**1. ROLL CALL & PLEDGE OF ALLEGIANCE**

Present: Armstrong, Arvanitis, Lauricella, Nesci, Schmidt

Absent: Iazzetto, Levine

Pledge of Allegiance

**2. PUBLIC COMMENT: None**

**3. PUBLIC HEARING – #1 Special Land Use Case Number 2023-07-01**

Arvanitis moved to open the public hearing, Armstrong seconded.

Roll Call vote:

Armstrong: Yes

Arvanitis: Yes

Iazzetto: Absent

Levine: Absent

Nesci: Yes

Schmidt: Yes

MOTION CARRIED

The Planning Commission heard comments on the request of CSAB Green LLC regarding Petition for Special Land Use to operate an Adult-Use (recreational) Marijuana Retail Establishment at 19253 M-239, New Buffalo, MI 49117 parcel 11-13-0015-0011-27-5.

Applicant John Gumma gave a brief summary of their plan for a recreational marijuana retail establishment at a vacant 8,000 square foot building.

Commissioners discussed that the applicant will need to apply for a parking variance and should be included as a condition in the motion.

**PUBLIC HEARING CORRESPONDENCE - None**

**PUBLIC COMMENT:** None.

Arvanitis moved, Armstrong seconded to close the public hearing on the proposed SLU at 19253 M-239, New Buffalo, MI at 6:36 p.m.

Roll Call vote:

Armstrong: Yes

Arvanitis: Yes

lazzetto: Absent

Levine: Absent

Nesci: Yes

Schmidt: Yes

Motion CARRIED

**PUBLIC HEARING – #2 Special Land Use Case Number 2023-07-02**

The Planning Commission heard comments on the request of Covington Plaza Investors LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment at 10168 US 12, New Buffalo, MI 49117 parcel 11-13-0012-0004-02-9.

Arvanitis moved, Nesci seconded to open the public hearing.

Roll Call vote:

Armstrong: Yes

Arvanitis: Yes

lazzetto: Absent

Levine: Absent

Nesci: Yes

Schmidt: Yes

Motion CARRIED

**PUBLIC HEARING CORRESPONDENCE**

**PUBLIC COMMENT - None**

Commissioners discussed and determined that the applicant would need to obtain a variance as they are 147” from an existing building, ordinance requires a minimum of 150” and could be added as a condition.

Arvanitis moved, Nesci seconded to close the public hearing on the proposed SLU at 10168 US 12, New Buffalo, MI at 6:41 p.m.

Roll Call vote:

Armstrong: Yes

Arvanitis: Yes

Iazzetto: Absent

Levine: Absent

Nesci: Yes

Schmidt: Yes

MOTION CARRIED

**PUBLIC HEARING – #3 Special Land Use Case Number 2023-07-03**

The Planning Commission heard comments on the request of Simple AG New Buffalo LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment and Processor at 13992 Grand Ave, New Buffalo, MI 49117 parcel 11-13-3100-0001-02-9 and 11-13-3100-0016-00-0.

Arvanitis moved, Armstrong seconded to open the public hearing on the proposed SLU at 13992 Grand Ave, New Buffalo, MI at p.m. 6:45.

Roll Call vote:

Armstrong: Yes

Arvanitis: Yes

Iazzetto: Absent

Levine: Absent

Nesci: Yes

Schmidt: Yes

MOTION CARRIED

**PUBLIC HEARING CORRESPONDENCE**

**PUBLIC COMMENT – None**

Arvanitis moved, Schmidt seconded to close the public hearing on the proposed SLU at 13992 Grand Ave, New Buffalo, MI at 6:52 p.m.

Roll Call vote:

Armstrong: Yes  
Arvanitis: Yes  
Iazzetto: Absent  
Levine: Absent  
Nesci: Yes  
Schmidt: Yes

MOTION CARRIED

**BUSINESS SECTION**

**The Special Land Use applications have been reviewed under the following standards from the New Buffalo Township Zoning Ordinance Article 6.3 Standards for Approval:**

A. Adequacy of Information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

B. Site Design Characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations. Where boundary concerns are present, the Zoning Administrator may require a staked survey.

C. Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

D. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Dimensional Requirements, Section 2.2, unless otherwise provided in these regulations.

E. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

F. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

G. Pedestrian circulation. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

H. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to ensure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

I. Drainage. Grading and drainage shall comply with the Berrien County Drain Commission and all other applicable state and federal requirements.

J. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with Berrien County Erosion Control Standards. Article 6 Site Plan Review New Buffalo Township Zoning Ordinance 126

K. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets, as specified in this ordinance.

L. Public services. Adequate services and utilities, including water, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

M. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height as specified in this ordinance.

N. Danger from hazards. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

O. Health and safety concerns. Any use in any zoning district shall comply with applicable Federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.

P. Sequence of development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

a. Special Land Uses

**Special Land Use Case Number 2023-07-01; CSAB Green LLC**

The Commissioners discussed the following Findings of Fact:

Yes The New Buffalo Township Zoning Administrator has received copy of all applicable applications required to obtain operating licenses and approval from LARA/CRA along with copy of any pre-approval letters.

Yes The New Buffalo Township Engineering firm Wightman & Associates has conducted a site plan review in compliance with the above stated standards and submitted its findings to the Township.

Yes The proposed application does meet SLU requirements: 8.2, 6.3.

Arvanitis moved, Schmidt seconded to recommend approval with the following conditions:

- Applicant obtain a parking variance approval for Special Land Use Case Number 2023-07-01 submitted by CSAB Green LLC to operate an Adult-Use (recreational) Marihuana Retail Establishment at 19253 M-239, New Buffalo, MI 49117 parcel 11-13-0015-0011-27-5.

Roll Call Vote:

Armstrong	Yes
Arvanitis	Yes
Iazzetto	Absent
Lauricella	Yes
Levine	Yes
Nesci	Yes
Schmidt	Yes

Motion CARRIED

### **Special Land Use Case Number 2023-07-02; Covington Plaza Investors LLC**

The Commissioners discussed the following Findings of Fact:

Yes The New Buffalo Township Zoning Administrator has received copy of all applicable applications required to obtain operating licenses and approval from LARA/CRA along with copy of any pre-approval letters.

Yes The New Buffalo Township Engineering firm Wightman & Associates has conducted a site plan review in compliance with the above stated standards and submitted its findings to the Township.

Yes The proposed application does meet SLU requirements: 8.2, 6.3.

Arvanitis moved, Nesci seconded to recommend approval with the following conditions:

- Applicant must obtain minimum setback waiver as they have 147" and the Ordinance requires 150" between the next building. of Special Land Use for Case Number 2023-07-02 submitted by Covington Plaza Investors LLC to operate an Adult-Use Marihuana Retail Establishment at 10168 US 12, New Buffalo, MI 49117 parcel 11-13-0012-0004-02-9.

Roll Call Vote:

Armstrong	Yes
Arvanitis	Yes
Iazzetto	Absent
Lauricella	Yes
Levine	Yes
Nesci	Yes
Schmidt	Yes

Motion CARRIED

### **Special Land Use Case Number 2023-07-03; Simple AG New Buffalo LLC**

The Commissioners discussed the following Findings of Fact:

Yes The New Buffalo Township Zoning Administrator has received copy of all applicable applications required to obtain operating licenses and approval from LARA/CRA along with copy of any pre-approval letters.

Yes The New Buffalo Township Engineering firm Wightman & Associates has conducted a site plan review in compliance with the above stated standards and submitted its findings to the Township.

Yes The proposed application does meet SLU requirements: 8.2, 6.3.

Armstrong moved, Schmidt seconded to recommend approval as submitted of Special Land Use for Case Number 2023-07-03 submitted by Simple AG New Buffalo LLC to operate an Adult-Use Marihuana Retail Establishment and Processor at 13992 Grand Ave, New Buffalo, MI 49117 parcel 11-13-3100-0001-02-9 & 11-13-3100-0016-00-0.

Roll Call Vote:

Armstrong	Yes
Arvanitis	Yes
Iazzetto	Absent
Lauricella	Yes
Levine	Absent
Nesci	Yes
Schmidt	Yes

Motion CARRIED

b. Excused Absences

Nesci moved, Arvanitis seconded to approve absences for lazzetto and Levine at the present meeting.

Motion CARRIED

c. Approve Minutes

Arvanitis moved, Armstrong seconded to approve the minutes from the regular meeting June 6, 2023.

Motion CARRIED

**4. CORRESPONDENCE:** None

**5. ADJOURNMENT**

Arvanitis moved, Schmidt seconded to adjourn at 7:10 p.m.

Motion CARRIED

Respectfully submitted by,

Carol Schmidt  
Planning Commission Secretary